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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,517	03/29/2004	Aaron Henry King	124103-2	1945
7590	05/26/2005		EXAMINER	
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			FRANK, RODNEY T	
			ART UNIT	PAPER NUMBER
			2856	
DATE MAILED: 05/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/811,517	KING ET AL.
	Examiner Rodney T. Frank	Art Unit 2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) _____                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413) _____                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) _____                             | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) _____ |
|  | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Workman et al. (U.S. Patent Number 5,394,757; hereinafter referred to as Workman.) Workman discloses the apparatus of the present invention includes a multiple stylus probe attachment capable of attachment to a probing mechanism mounted to a turret tool station of a numerically controlled lathe for use in probing various surfaces of a workpiece. The probe attachment includes a base configured for attachment to the probing mechanism along a longitudinal axis of the probing mechanism. The probe attachment further includes a first stylus attached to the base with the distal end of the first stylus extending in a direction generally parallel to the longitudinal axis of the probing mechanism. A second stylus is attached to the base with its distal end extending in a direction generally perpendicular to the longitudinal axis of the probing mechanism. After the probe attachment is secured to the probing mechanism, the probe is calibrated by calibrating both styli. The probe may then be utilized to measure various surfaces of a workpiece while positioned in the workpiece holder of the lathe (Please see the abstract).

In response to claim 1, Workman discloses via claim 1 a method for inspecting a component, said method comprising coupling the component to a fixture such that the component is fixedly secured in position during machining of the component; and inspecting the component using an inspection tool while the component is coupled to the fixture- wherein the inspection tool includes a probe having at least a first and a second probe tip that are each selectively positionable with respect to each other. The examiner notes that claim 1 of Workman is not a method claim, but an apparatus claim. However, the examiner would like to note that each and every limitation with regard to the method is disclosed via said apparatus claim 1. The support that the method for using such a device is disclosed by Workman can be found in column 7 lines 15 through 24 whereby it is implicitly stated that the forgoing invention provides probing apparatus and methods.

In response to claim 2, a method in accordance with Claim 1 wherein coupling the component to a fixture further comprises machining the component using a machining apparatus while the component is coupled to the fixture is disclosed in the abstract whereby it discloses in the last line that the probe may then be utilized to measure various surfaces of a workpiece while positioned in the workpiece holder of the lathe.

In response to claim 3, a method in accordance with Claim 2 wherein inspecting the component further comprises coupling the inspection tool to at least one of the fixture and the machining apparatus is also disclosed in the abstract in the beginning of the abstract where it states the apparatus of the present invention includes a multiple

stylus probe attachment capable of attachment to a probing mechanism mounted to a turret tool station of a numerically controlled lathe for use in probing various surfaces of a workpiece.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Workman et al.

With regard to claim 4, though the Workman reference does not disclose exactly what the various probes are measuring, the Workman references discloses that it is well established in the art for a probe to be used to measure front and back face and an outside diameter (see column 1 lines 40 through 48). Since one of these faces may be the long face, thus measuring length, then though not specifically disclosed, the measurement of length would be deemed as well within the preview of one of ordinary skill in the art. In the same manner, since column 1 lines 49 through 57 discloses that the stylus can be changed and new parameters, namely inside and outside diameter, and the from face can be measured, then outside diameter may be considered the thick face of the workpiece and thus the measurement of thickness of length would be deemed as well within the preview of one of ordinary skill in the art as well. Further still, column 2 lines 50 through 55 disclose that a benefit of the Workman reference is the

Art Unit: 2856

ability to measure multiple parameters without the need to change and/or recalibrate the probe. Though the exact parameters measured are not disclosed, thickness and length of a piece would be obvious parameters one would measure to make sure a workpiece is machined correctly.

With regard to claim 5, since the different probe tips, as described above with relation to claim 4, can make various measurement, then the use of various probe tips to measure various parameters, though not explicitly disclosed, is deemed as well within the preview of one of ordinary skill in the art at the time of the invention.

With regard to claim 6, though it is not explicitly disclosed how the two probe tips actually determine the thickness, since the measurements of both probes would be taken into consideration by the system, then the use of information obtained from both probes in order to obtain a measurement (i.e. thickness) would be well within the preview of one of ordinary skill in the art at the time of the invention.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner has cited various references that are deemed as relevant to the general state of the art of the present invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

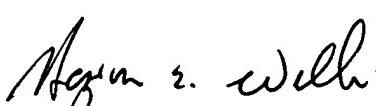
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (571) 272-2193. The examiner can normally be reached on M-F 9-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTF

May 17, 2005



Hezron Williams  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800